

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
JANUARY 28, 2014**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Revised Annual Meeting Notice of December 31, 2013 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies
Council President	Sean Kaplan (absent – business)
	Kevin Dotey
	Stephen Greco
	Patricia Jenkins
	Bob Schueler
	Michele Tackach (absent – ill)

Attorney: Aravind Aithal

PROCLAMATIONS

APPOINTMENT

- A. Mayor Dobies appointed Sean Johnson as Alternate II to the Shade Tree Commission.
- B. Mayor Dobies appointed Lisa Mickel and Pat Repenn to the Beautification Committee.
- C. Mayor Dobies accepted the resignation of Walter Gannone from the Zoning Board seconded by Councilman Schueler and carried by a unanimous vote of Council.
- D. Mayor Dobies appointed James B. Green Sr. as a Class II member of the Planning Board.
- E. Mayor Dobies appointed Bill Coyle to the Housing and Community Development Committee.

PRESENTATIONS

NEW BUSINESS

PUBLIC HEARING

Mayor Dobies opened the Public Hearing on the Sewer User's charges. The following individuals and business representatives attended the meeting regarding the Sewer User's charges and below are the concerns:

Ed Johnson, Jr. – 1 Greenbrook Road
Bryan Stock – 200 Blackford Avenue (NDC)
Colleen Morelli – 201 Egel Avenue
Anthony Morelli – 201 Egel Avenue
May Biondi – 601 Union Avenue (Biondi's)
Glenn Biondi – 601 Union Avenue (Biondi's)
Phil Biondi – 601 Union Avenue (Biondi's)
John Tullo – 207 Blackford Avenue (ATC Systems)
Rui Alves – Vincenzo's
Sandy Petrillo
John Pattenson – D&J Collision Center
Mark Richard – D & J Collision Center
Jeremy Hart - 90 Wood Avenue (Harts Auto Body)
Robert Ferris – Ferris Brothers
Hans Hafner – A-1 German Car Service
Frank Zatika – Absolute Auto
Thomas O'Brien
Robert Wilson – Wilson Plumbing
Bella Qiku – 651 Bound Brook Road (Carpaccio's Ristorante)
Sal Qiku – 651 Bound Brook Road (Carpaccio's Ristorante)
Richie Sowden – 107 Egel Avenue (Richie's Tire's)
Jordan Singer – Automatic Ice Maker Co.
Michael Colucci – 679 Bound Brook Road (M&W Cabinets)
Ralph Reilly – Advanced Dentistry
David Basile – Allstate Insurance
Frank Bozzomo – 409 Lincoln Boulevard (Jozana's)
Robert Ferris, Jr. – 565 Union Avenue (Ferris Brothers)
Keith Kermizian – Kermizian Carpets
Todd Genner – Water/ECD/Ace
Rick Rizzon – Rizzon Cycle
John Erickson – 209 Second Street
Debra DeVuyst – 73 Ramsey Road
Bill Moore – 165 Barbara Place
John Ellery – 701 Lincoln Boulevard (Ellery's Restaurant)
Rich Malt – Pumping Services Inc.
Bill Liuzza – Adams TV & Appliance
Joseph Vargo – Dollar Planet
Martin Scharloo – 625 Union Avenue
Theodore Kamarinopulos – Middlesex Texas Weiner
Paul Kamarinopulos – Middlesex Texas Weiner

Michael Boone – 107 & 140 Wood Avenue (Sweet Candy)
Robert O'Reilly, Jr. – Victor's Air Conditioning Co.
Robert P. O'Reilly, Sr. – Victor's Air Conditioning Co.
Joseph Boniakowski – 929 Washington Avenue, Greenbrook
Vic Capolunghi – 2 Judson Drive
Jack Mikolajczyk – 701 Beechwood Avenue
Danging Feng – 730 Union Avenue (Air Fresh Laundromat)
James West – Auto Shop of Middlesex
Ed Dorflinger – Auto Shop of Middlesex
Lawrence Hansen – Hansen Racing
John Bekus – 800 Lincoln Boulevard (J.L. Bekus and Co.)
Jenny Ezyska – 897 South Avenue
John Mravcak – 128 Wood Avenue (JEM Service)
Sunil Pamnani – 565 Bound Brook Road – (Boro Hall Pharmacy)
Skip Colaluca – 420 Mountain Avenue (Citgo)

(a) The selection of only businesses to be subjected to this sewer tax (b) The calculation of this sewer tax; (c) Real Estate Companies concerned that Businesses do not want to come to Middlesex because Businesses are not treated fairly; (d) The amount of increase certain businesses are paying for their sewer bill; (e) Eliminating the base credit that the businesses receive before paying the additional tax; (f) The status of the Piscataway Sewer contract; (g) Cost of a flow meter and flow it monitors; (h) The annual or quarterly charge on the bill; (i) Biondi's received a bill and does not have a sewer; (j) Is there a plan to get stormwater out of the sewer system; (k) Meter in Piscataway has not worked since 2006; (l) Oil, chemicals and BOD's not just coming from businesses; (m) Certain businesses use a lot of water, but recycle the water as in a car wash; (n) Status of the Infrastructure in town; (o) Where the sewage goes; (p) Breaking down quarterly the MCUA charges; (q) Requested a small committee meeting of 5 individuals and then meet with the entire council; (r) Requested a plan for the future and see how many sump pumps are tied to the sewer; (s) Requirements to have enclosures around dumpsters; and (t) Trailers on properties in industrial zones.

Attorney Aithal explained that the sewer charges are not based on Borough fees, but fees from the MCUA, which are costs that the Borough pay for flow BOD, Suspended Solids and Chlorine.

Mayor Dobies stated that Tax Collector has said that in order that the people not get penalized they can just send a letter that they are appealing and would not be subjected to the late fees.

Mayor Dobies stated that they will hold a Special Meeting on March 18, 2014 to discuss this matter further and the concerns of the residents and businesses.

ADOPTION OF MINUTES

Councilman Schueler moved to table the January 14, 2014 Regular & Executive Meeting Minutes seconded by Councilman Greco and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Nothing to Report
 - A. Councilman Schueler mentioned that the Finance Committee has reviewed the budget for the first time and we are awaiting information from some of the departments. At this time we have cut about \$105,000. Council will now be meeting with the Department Heads.
2. Recreation/Recreation Fields/Water & Light
 - A. Councilman Greco indicated that this weekend there will be a wrestling tournament with 200 participants and that the credit card machine has been approved by the Swim Pool Commission.
3. Fire/OEM/Board of Health/Rescue Squad/Flood – Nothing to Report
 - A. Councilman Dotey moved to accept Jason D. Frank as a member of the Middlesex Fire Department.
 - B. Councilman Dotey also moved to accept the following individuals as qualified drivers of Engine 22: Ryan Zittel, Rich Malt and John Craig, Jr. and Truck 25: Ed Winters, Jr., Kevin Mott, Andy Casteldo, Jr., Rich Reedy, Jr., Bob Poltorak, Bob Soper, John Hommas and Nick Goldman.
 - C. Councilman Dotey submitted the December, 2013 Board of Health report for informational purposes.
4. Public Works/Parks/Sanitation/Recycling
 - A. Councilman Schueler discussed an outline for the infrastructure, the plowing of the roads and the staff breakfast with the Acting DPW Superintendent.
 - B. Councilman Schueler also discussed that about 30 – 50 tons of road salt have been used to date. Also, Truck No. 5 is currently out of service with a large repair needed.
5. Police/Legal/Code Enforcement/Municipal Court
 - A. Councilwoman Jenkins moved the approval of the December, 2013 Police Department Report seconded by Councilman Dotey and carried by a unanimous vote of Council.
6. Administration/Office on Aging/Legislation/License/Buildings & Grounds – Councilwoman Tackach was absent

REPORTS

Mayor

1. Grants – Mayor Dobies mentioned that we are presently working on the Fire Grant and also the Recycling Grant.
2. Laptops – Council must pick them up so that they are able to use them and not use their personal computers. Mayor Dobies recommended that we put two additional laptops in the Capital Budget for both the Administrator and the Borough Clerk.
3. Borough Directory/Quarterly Newsletter – Mayor Dobies suggested that a hard piece of paper with DPW information listed be put in “Our Town” and also have the Department Heads listed with their telephone number. It would cost \$1600 per quarter to include in “Our Town” and we would save the postage.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2014(B)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex is desirous of removing Resolution #53-14 from this Consent Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #49-14 - Resolution #52-14
Resolution #54-14 - #55-14

Councilman Schueler made a motion for approval, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, and Schueler. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #49-14

The application for a 2014 Amusement Machine Licenses, Pool Tables and Music Licenses, filed by the following establishments, which have been approved by the Chief of Police, be accepted, and the Borough Clerk is hereby authorized to issue the licenses upon receipt of the fees.

End Zone Lounge	(2) Pool Table	\$300.00
425 Bound Brook Rd.	(3) Amusement Machine	\$450.00
	(1) Music Machine	\$100.00
Ellery's Grill	(4) Amusement Machines	\$600.00
701 Lincoln Boulevard	(1) Music Machine	\$100.00
Ferraro's Pizzeria & Pub	(1) Music Machine	\$100.00
275 Lincoln Boulevard		
American Legion	(2) Amusement Machines	\$300.00
707 Legion Place	(1) Music Machine	\$100.00
Tim Kerwin's Tavern	(5) Amusement Machines	\$750.00
353 Bound Brook Rd.	(1) Music Machine	\$100.00
TOTAL		\$2900.00

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #50-14

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is providing a copy of the Temporary Discharge Approval Application for Groundwater Remediation Control at the Factory Lane Site in Middlesex to be submitted to the Middlesex County Utilities Authority (MCUA); and

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is seeking MCUA's approval to discharge the treated water generated by these activities to the MCUA treatment plant via a metered connection to the Middlesex Borough's Sanitary Sewer System in Factory Lane; and

WHEREAS, New Fields, on behalf of Bayer Crop Science, Inc. is required to have the Borough's approval on a yearly basis for temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad, as the Factory Lane Site has resulted in arsenic impacts to soil and groundwater.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. Middlesex Borough hereby approves the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the Groundwater Remediation Control and approves New Fields, on behalf of Bayer CropScience, Inc., temporary use of the culverts that run under Factory Lane and the Conrail Port Reading Railroad.
2. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #51-14

Approving Merari Lizzette Gaud, 1202 Broadway, Rahway, New Jersey as a Municipal Court Clerk for 37 ½ hours per week effective February 4, 2014 at \$34,000 per year pending a satisfactory physical and background check.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #52-14

The Tax Collector is hereby authorized to issue a check in the amount of \$8,455.75 to redeem tax sale certificate #2013-1812 and a check in the amount of \$15,800 for a tax sale premium, Block 44, Lot 19, 437 First Street, check is to be made payable to:

U S Bank Cust for BV001 Trust
2 Liberty Place - TLSC
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #54-14

WHEREAS, The State of New Jersey Department of Transportation has conducted a survey to inventory all bus stops along State and US Routes in New Jersey; and

WHEREAS, based upon the engineering investigation and review by the Traffic Engineering Bureau (Regulations) the following locations have been recommended for approval:

- (1) Route NJ 28, eastbound on the southerly side at Harris Avenue – (near side) – Beginning at the westerly curb line of Harris Avenue and extending 105 feet westerly therefrom.
- (2) Route NJ 28, westbound on the northerly side at Hazelwood Avenue – (near side) – Beginning at the easterly curb line of Hazelwood Avenue and extending 105 feet easterly therefrom.

- (3) Route NJ 28, westbound on the northerly side at Marlborough Avenue – (near side) – Beginning at the prolongation of the easterly curb line of Marlborough Avenue and extending 105 feet easterly therefrom.
- (4) Route NJ 28, westbound on the northerly side at Dayton Avenue – (near side) – Beginning at the easterly curb line of Dayton Avenue and extending 105 feet easterly therefrom; and

WHEREAS, in order to legally establish the bus stops, the NJDOT must promulgate a Traffic Regulation Order, and therefore must receive a Resolution of Support from the governing body to begin this process.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The Governing Body hereby supports the above-referenced Bus Stop locations that are recommended by the NJDOT.
2. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #55-14

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR
E9-1-1 SYSTEM UPGRADE**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to one E9-1-1 System Upgrade from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, KML Technology, Inc. is under State Contract No. 83903 for the year 2014; and

WHEREAS, the cost for the purchase of one E9-1-1 System Upgrade is not to exceed \$25,000.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of one E9-1-1 System Upgrade is ordered under State Contract No. 83903 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$25,000.00 is available in Account No. 04-1797-00-1797-86.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #53-14

Increasing the salary of Presiding Judge Fackelman to \$33,397.00 annually effective immediately.

Councilman Dotey made a motion for approval, seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, and Schueler. Nos: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #56-14

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Including the following Confirming Orders:

PO 55019	Apple Fasteners, Inc	\$ 10.20
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Councilman Dotey made a motion for approval, seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, and Schueler. Nos: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Review of Land Development Ordinance recommended by the Planning Board – These ordinances will be introduced at the next Regular Meeting.
2. Borough Engineer's Request regarding handling of proposed sewer extension – The applicants will have to submit an application so that we are aware of what they are doing and money is put into an escrow account. The Engineer and Tom Moskal will review.

PUBLIC COMMENTS

Mayor Dobies opened the Public Portion of the meeting for any comments.

John Erickson, 209 Second Street discussed (1) Concern with quarterly expenses of \$1600 for directory information in "Our Town" and (2) Enforcing the By Local Policy adopted by the Council.

Betty Platten, 4 Hooker Avenue discussed (1) The directory and (2) Updating of the website.

Joe Boniakowski, discussed (1) The increased cost of doing business in this town; (2) vacant buildings in Middlesex; and (3) Site Plan approval with regard to the Zoning Officer

Bill Moore, 165 Barbara Place discussed (1) Funding for the Directory with a sponsor; and (2) Status of the Berger Building.

John Hoffman, 455 Lincoln Boulevard discussed (1) Lincoln Boulevard change of business zone from the 1980's; (2) Board of Health involvement with Jozana's and overflowing dumpsters; (3) Zoning on Grove Street and Runyon Avenue for apartments; and (4) The Zoning Officer.

Mayor Dobies addressed all questions from the Public.

Seeing that there was no further public participation, Mayor Dobies closed the public portion of the meeting.

The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

Resolution 57-14

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

1. Personnel – IT Service
2. Personnel – Court Clerk

Councilman Schueler made a motion for approval, seconded by Councilman Dotey and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, and Schueler. Nos: None. Abstain: None.

Councilman Dotey moved to reconvene the Regular Meeting seconded by Councilman Schueler and carried by a unanimous vote of Council.

ADJOURNMENT

Councilman Dotey made a motion to adjourn the Regular Meeting seconded by Councilman Schueler and carried by a unanimous vote of members present.

Respectfully yours,

Kathleen Anello
Borough Clerk